

Remarks

Claims 9, 14, 34, 56, and 57, as amended, and new claims 58 through 77 are pending in the application. Claims 1 -8, 10-13, 15-33, and 35-55 are canceled without prejudice, some pursuant to a previous restriction requirement as pointed out in applicants' previous amendment and some canceled in order to facilitate prosecution. Applicants reserve the right to file timely divisional and continuation applications.

Support for the amendment to the specification is found in the priority documents and in the transmittal letter submitted with the filing of this case. Support for the amendments to the claims is found in the specification. For example, the amendments to claim 9 are made to correct clerical errors and to limit substituents R¹ and R² to read as they did in the priority documents. The amendments to claims 14, 34, 56, and 57 adding the phrase, "...or a pharmaceutically acceptable salt, hydrate, solvate, or a mixture thereof" simply make explicit what was already present implicitly in the claims and find support in the specification on page 16, line 1 and page 129, lines 1-17. New claims 58 through 77 find specific support in the specification in Table 1 with specific references to the compounds beginning on page 33. These claims cover compounds covered in the present restricted invention. Therefore, no new matter is added.

Priority

The office acknowledges applicants' claim for priority, but submits that since applicants have not amended the specification to state the priority claim, they have not complied with all of the conditions to receive an earlier filing date under 35 U.S.C. 120. In reply, applicants point out that the priority claim made in the transmittal letter was incomplete. Included herewith is a petition to request acceptance of an unintentionally delayed claim for the benefit of a prior-filed application under 35 U.S.C. 120. As pointed out in the enclosed petition, applicants respectfully submit that the benefit claim made upon filing the application inadvertently failed to identify all of the prior applications and the relationship between each application to have the benefit of the filing date of the first filed application. Applicants submit that with the filing of the enclosed petition and the amendment of the specification to reflect the correct priority claim, that this objection has been adequately met. Applicants respectfully request reconsideration and withdrawal of the priority objection.

Rejection of Claims 36-57 Under 35 U.S.C. 112, First Paragraph

Claims 36-57 stand rejected under 35 U.S.C. 112, first paragraph as allegedly lacking enablement for treating or preventing the disorders mentioned therein. Without acquiescing to the rejection, this rejection is deemed to be moot regarding now canceled claims 36-55. Regarding claims 56 and 57, applicants point out the amendments eliminate the office's stated concern that the claims cover every known cardiovascular disease. Therefore, applicants respectfully request reconsideration and withdrawal of the rejection of claims 36-57 under 35 U.S.C. 112, first paragraph.

Rejection of Claims 1, 8, 9, 15, 19 and 35-57 Under 35 U.S.C. 112, Second Paragraph

Claims 1, 8, 9, 15, 19 and 35-57 stand rejected under 35 U.S.C. 112, second paragraph as being indefinite for allegedly failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Without acquiescing to the rejection, this rejection is deemed to be moot regarding now canceled claims 1, 8, 15, 19, and 35-55. With regard to claim 9, applicants point out that the value of variable Y in question has been corrected. Regarding claims 56 and 57, the claims have been amended so that they no longer contain the objected-to term "preventing", and they now relate to either "raising HDL" or "lowering LDL", thus eliminating any perceived lack of clarity as to what diseases are being covered. Therefore, applicants respectfully request reconsideration and withdrawal of the rejection of claims 1, 8, 9, 15, 19, and 35-57 under 35 U.S.C. 112, second paragraph.

Applicants submitted a petition for Extensions of time on February 27, 2006

Authorization is hereby given to charge any required fees or credit any overpayment to Deposit Account No. 23-0455.

It is respectfully submitted that the claims have been put in condition for allowance. Notification to this affect is earnestly solicited. The Examiner is encouraged to contact the Applicants' undersigned attorney to discuss this matter if any questions should arise upon further examination of the pending claims.

Respectfully submitted,

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